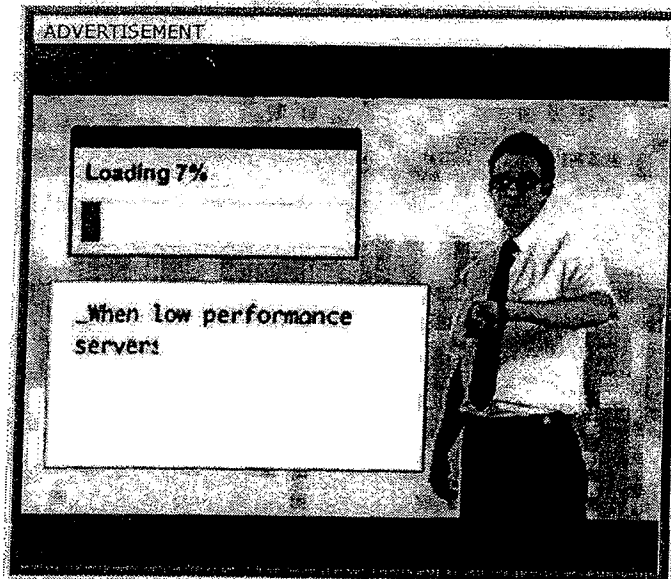# EXHIBIT 615

SCO: IBM Suit Not About Linux
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By Peter Galli, eSeminars

The legal action the SCO Group brought against IBM on Thursday has nothing to do with Linux or the open-source community, Darl McBride, CEO and president of the SCO Group, stressed in a media conference on Friday morning.

"This case is not about the Linux community or us going after them. This is not about the open-source community or about UnitedLinux, of whom we are members and partners. A small part of our business is Linux-based," McBride said. "This case is and is only about IBM and the contractual violations that we are alleging IBM has made and that we are going to enforce."

The legal action also is not about other companies, McBride reiterated, adding that SCO has some 30,000 licensees. "This case is about IBM not stepping up to what we feel are contract violations, which we've alleged in our complaint," he said.

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As recently as LinuxWorld in January, IBM made comments that it intended to take its core AIX expertise and move that into Linux. These statements followed other comments made by IBM that "are very concerning to us," McBride said.

IBM can donate whatever it wants to, to the open-source community as long as it does not infringe on SCO's proprietary information, McBride said. To the extent that IBM wants to take WebSphere and Informix and donate those to the community, the company has every right to do so. "But when they take our proprietary code and, without our permission, put that into the open-source community, that is where we do have a major-league problem," McBride said.

IBM corporate spokesman Bill Hughes told eWEEK on Friday morning that the company has not yet seen the lawsuit and thus is unable to comment on it.

Thursday's legal filing, which was predicted in an exclusive report by eWEEK last week, also accuses IBM of "affirmatively taking steps to destroy all value of Unix by improperly extracting and using the confidential and proprietary information it acquired from Unix and dumping that information into the

open source community."

"IBM's tortious conduct was also intentionally and maliciously designed to destroy plaintiff's business livelihood and all opportunities of plaintiff to derive value from the Unix software code in the marketplace," the filing says.

The suit goes on to explain that IBM, SCO and now-extinct Sequent had entered into an agreement to create a version of Unix for Intel Corp.'s Itanium processors, known as Project Monterey.

Under that agreement, SCO had shared its expertise with IBM about how best to run Unix on Intel processors, but IBM ultimately canceled the project. However, "in violation of its obligations to SCO, IBM chose to use and appropriate for its own business the proprietary information obtained from SCO," the suit alleges.

SCO also claims in the suit that it is not possible for Linux to have "rapidly reached Unix performance standards for complete enterprise functionality without the misappropriation of Unix code, methods or concepts to achieve such performance, and coordination by a larger developer, such as IBM."

McBride on Friday cited a recent example of how IBM is still acknowledging SCO's AIX rights. "Yesterday I had a request from a $28 billion company, an IBM customer, who sent us a request asking to see the AIX source code and the derivative work that came out of that. It is crystal clear to us here that certain parts of IBM are regularly reinforcing that we do have pretty strong ownership of the AIX code base," he said.

Looking forward, McBride said SCO is actively working on its SCOx strategy, which eWEEK first exclusively reported on in January.

"This is about moving our core operating system technologies forward. SCOsource is important to us as it will protect the intellectual property in the next iteration of our operating systems, which is key to our future, as is migrating the 4,000-plus applications written on SCO Unix and helping them migrate to the next-generation operating system," he said.

SCO will be driving very heavily down the SCOx path of taking its operating systems, migrating them forward into the future, and taking the application providers, channel resellers and customers along with it. "That will be the other key initiative from the company," McBride said.

Sun Microsystems Inc., whose Solaris operating system is based on Unix, moved quickly Thursday to assure its customers that its licenses are all in order. John Loiacono, vice president of Sun's operating platforms group, told eWEEK Thursday that the company has assured its customers and partners that it has licensing rights to Unix for both SPARC and the recently available x86 systems.

"As part of a series of licensing agreements, Sun acquired rights to make and ship derivative products based on the intellectual property in Unix. This forms the foundation for the Solaris operating system that ships today," Loiacono said. "Sun's complete line of Solaris and Linux products—including Solaris for the SPARC and x86 platforms, Trusted Solaris, the highly secure operating system, and Sun Linux—are all covered by Sun's portfolio of Unix licensing agreements. As such, Solaris and Sun Linux represent safe choices for those companies that develop and deploy services based on Unix systems."

Linux distributor Red Hat Inc. also moved to clarify its licensing position, with Chief Legal Counsel Mark Webbink saying that the claims that have been asserted by SCO against IBM do not involve Red Hat.

"Red Hat and its business partners work diligently to respect the valid intellectual property rights of others. We believe that the open-source community has provided and will continue to provide quality software that is well-suited for wide deployment throughout the enterprise," he said.

Webbink's comments follow those of Red Hat's chief technology officer, Michael Tiemann, who told eWEEK at LinuxWorld in January that that he was fairly certain that "every time people get engaged in unproductive arguments, it slows things down."

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"What the IT industry needs today is a direction forward, and as long as we're fighting these border skirmishes about this library and that thing there, is it Lindows, is it Windows, that's a distraction," he said.

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